



PTO/SB/21 (09-04)

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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/869,282 |
| | Filing Date | June 18, 2002 |
| | First Named Inventor | SIRIMANNE |
| | Art Unit | 3737 |
| | Examiner Name | Casler |
| Total Number of Pages in This Submission | Attorney Docket Number | 032,290-092 |

ENCLOSURES (Check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Copies of 46 references - Copies of 4 search reports - Receipt verification postcard |
| <div>Remarks</div> | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|-----------------------|----------|--------|
| Firm Name | O'MELVENY & MYERS LLP | | |
| Signature | <i>Diane K. Wong</i> | | |
| Printed name | Diane K. Wong | | |
| Date | June 13, 2006 | Reg. No. | 54,550 |

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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| Typed or printed name | Cynthia B. Pacheco | Date | June 13, 2006 |

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Patent
Attorney Docket No. 032,290-092

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

SIRIMANNE

Serial No.: 09/869,282

Filed: June 18, 2002

For: DEVICES AND METHOD FOR
MARKING OF A BIOPSY CAVITY

Group Art Unit: 3737

Examiner: Casler

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-SB/08. Also attached are copies of four search reports for related applications. Please note that the references identified on the search reports may have been cited in previously submitted Information Disclosure Statements.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

In accordance with §1.98(d), copies of some or all of the references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to

CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

June 13, 2006
Date of Deposit
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Cynthia B. Pacheco

the Patent and Trademark Office in U.S. Patent Application No. 09/285,329, filed on April 2, 1999, now U.S. Patent No. 6,356,782, issued on March 12, 2002.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

Statement Under 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after

making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

Some references are in a language other than the English language. A concise explanation of relevance is given below.

DE 4330958

The invention relates to novel microparticles containing active compound, which, additionally to the active compound(s), contain at least one gas or gaseous phase, media (microparticulate systems) containing these particles, their use for the ultrasonically controlled in vivo release of active compound and process for the production of the particles and media.

DE 4403789

The invention relates to the use of coloured NMR, X-ray or possibly dye-containing ultrasonic-image-producing substances for marking bodily tissues.

DE 935625

This reference discloses a biopsy instrument and method for acquiring subcutaneous biopsies and for removing lesions.

FR 2714284

The prosthesis consists of a circular component made from a supple material with a shape memory effect, able to occupy three different positions. In the first position (2) it is extended lengthwise to form a small cylinder which can be introduced through a catheter, with its proximal end closed by a valve (4). In a second position the two compartments (8,10) are inflated separately so that they are deployed on opposite sides of the ruptured wall, while in the third position the compartments are squeezed together to form a double patch on the wall. The prosthesis has a radio-opaque marker (6) between the two compartments which allows its progress through the patient's body to be monitored.

EP 0146699

The implants consisting of contrast body (1) and anchoring body (2) are fixed positionally secure in the bone with the aid of a structure of the anchoring body (2) and thus form, in the bone, immovable reference points for the measurement of X-ray pictures.

WO 98/43090

Especially nodal conditions and tumour size, histological type, degree of differentiation and receptor condition are used nowadays for the prognosis and further planning of patients with carcinoma of the

breast. Emphasis is placed on evaluation of the condition of the axillary lymph node. Patients with a negative axillary lymph node condition generally receive no after-treatment, as their prognosis is better; yet 30 % of these patients suffer relapses. The method proposed by this invention should make it possible to determine the patient's risk of recidivation. In accordance with the invention, the invention makes it possible to predict the further evolution of patients with carcinoma of the breast by means of a qualitative or quantitative determination of T1 protein and/or T1-mRNA in sample material taken from the patients.

WO 98/52616

The invention relates to a pharmaceutical preparation containing at least one particulate, vesicular or polymer diagnostic reagent combined with at least one nonsteroidal antirheumatic agent and/or thrombocyte-agglutination inhibitor. The invention also describes the possibility of improving the concentration and homogeneity of contrast media distribution of particles, vesicles or polymers in pharmaceutical preparations in lymph nodes by combining the particular vesicular or polymer contrast media with non steroidal antirheumatic agents or thrombocyte-agglutination inhibitors. This combination results in an extended residence time in the vascular area (longer blood half time period) so that the use thereof as contrast media in diagnostic representation of the vascular system is also improved. In order to improve the diagnostic value of iron oxides as a result of improved concentration in lymph nodes or extended blood half time periods, it makes little difference if the non-steroidal antirheumatic agent or the thrombocyte-agglutination inhibitor is administered shortly before applying the contrast medium or together with a pharmaceutical preparation. According to the invention, the application can occur in an inverse order.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of \$180.00 is enclosed for the above fee(s).
☐ Please charge \$180.00 to Deposit Account No. **50-2862** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to O'Melveny and Myers' Deposit Account No. **50-2862**.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: June 13, 2006

By: *Diane K. Wong*
Diane Wong
Reg. No. 54,550
Attorneys for Applicant

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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of

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Attorney Docket No.

032,290-092

Complete if Known

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| Application No. | 09/869,282 |
| Filing Date | June 18, 2002 |
| First Named Inventor | Sirimanne |
| Art Unit | 3737 |
| Examiner Name | Casler |

U.S. PATENT DOCUMENTS

| Examiner Initials | Cite No. ¹ | Document No. Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| | 2. | us-6,749,554 | 09/2004 | Snow | |

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| Examiner Initials* | Cite No. ¹ | Foreign Patent Document Country Code ³ Number ⁴ Kind Code (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁵ |
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| | 21. | WO 9852616 | 11/1998 | | | |
| | 22. | WO 9852617 | 11/1998 | | | |

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SignatureDate
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NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s) volume-issue number(s), publisher, city and/or country where published | T ² |
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